which their testimony is given in the normal course of their activities as employees of the Division of Investigations of your Department. This being the case, I have to advise that in each of the four situations listed in your letter the payment of travel and subsistence expenses should be made from the appropriation under which the authorized expenses of other official travel by said employees of your Department are made.

(A-81336)

NAMES—PAY ROLLS—MARRIED WOMEN EMPLOYEES

The Government has the right to designate a married woman by the surname of her husband on pay rolls and checks covering compensation for services rendered by her, whether or not she elects to use her husband's surname, unless and until the name acquired by marriage be changed by appropriate court action, and there appears no impelling reason for changing the long established general rule that, when a woman employee of the Government marries, the surname of her husband is to be used on the pay roll instead of her maiden surname, but the General Accounting Office will not object to the continuance of the use of her maiden name where an employee continued its use after her marriage for practically all purposes, and the administrative office desires the continued use of her maiden name on the pay rolls. 4 Comp. Gen. 165, amplified.

Comptroller General Brown to the Chairman, Social Security Board, August 15, 1939:

Reference is made to your letter of April 20, 1939, as follows:

On January 30, 1939, we wrote the Acting Comptroller General as follows:

"From time to time women in the employ of the Board who marry make objection to the requirement that the records be changed to carry them on the pay rolls, not under their maiden names, but in the names of their respective husbands. This is so in an increasing number of cases since the repeal of section 213 of the Economy Act of 1932. You may recall having written the former executive director of the Board under date of March 15, 1937, that said section 213 would appear to indicate a reason why the pay rolls should show the change in name of a woman who marries while in the service, although a woman who at the time of appointment is married and using her maiden name may be carried on the pay rolls in such maiden name.

"In view of the removal of the indicated reason, referred to in your letter of March 15, 1937, said section 213 having since been repealed, we submit again the question whether or not pay rolls should show the change in name of a woman who marries while in the service.

"We are attaching a memorandum discussion in support of the right claimed by interested parties to retain their maiden names."

To the above submittal letter the Acting Comptroller General on March 10, 1939, replied by a letter which said, among other things:

"Proper audit and accounting of pay rolls and vouchers require that there be proper identification of the payee or payees. Customarily, if not by compelling legal requirements, a married woman takes the surname of her husband upon marriage. Identification by such name is simple and that is the purpose of the requirement. Therefore, no change will be made in the rules stated in 4 Comp. Gen. 165 and in the decision of March 15, 1937. Whether an exception might be made in the case of a woman in the Government service who, notwithstanding her marriage, should elect, for good and sufficient reasons, to retain her maiden name for all purposes—identification and otherwise—and not to assume or use her husband's surname for any purpose, is not involved in the present submission and need not be considered at this time."

One of our employees affected by the above ruling, Miss Doris Carlton, has asked for a reconsideration of the question and for a special ruling as to

whether an exception might be made, on the basis of her election to retain her maiden name for all purposes. The factual reasons upon which she bases the request are set forth in the attached copy of a memorandum from her dated March 28, 1939.

Two questions are therefore submitted to you,

1st, whether, on reconsideration, the prior ruling on the general question may be reversed, and

2nd, if the general question is not reconsidered and reversed, if an exception might be made in the case of Miss Carlton.

Your letter presents nothing new for consideration relative to the general question involved, and while, as requested, the matter has received further consideration, there appear no impelling reasons for changing the rule or practice which now has been in effect for over 14 years. Notwithstanding any right a married woman may have to continue to use and be known by her maiden name, I assume it would not be questioned that a woman upon her marriage legally acquires the surname of her husband regardless of whether she does or does not elect to use it. And unless and until the name thus acquired be changed by appropriate court action, there would appear to be no room for reasonable doubt as to the right of the Government to designate her by that name on pay rolls and checks covering compensation for services rendered by her. Accordingly, your first question is answered in the negative.

With reference to your second question, a copy of the employee's memorandum of March 28, 1939, referred to in your letter, is in pertinent part as follows:

In my case the statement that "Identification by such name is simple" would be incorrect since I use my maiden name not only at work but also for banking and other financial purposes, in connection with my professional activities as a lawyer, and for social purposes.

The Comptroller General states that the question of a married woman who elects for good and sufficient reasons to retain her maiden name for all purposes "is not involved in the present submission and need not be considered at this time." I should like to have this question presented to the Comptroller General for his consideration, since I use my maiden name for all purposes. As I stated in my memorandum of November 4, 1938, since my marriage (which occurred on August 10, 1937) I have been employed under my maiden name, Doris Carlton, I have graduated from law school, I have been admitted to practice before the District Court of the United States for the District of Columbia and the United States Court of Appeals, I have purchased a house, I have been admitted to membership in the Augustana Evangelical Lutheran Church of Washington, I have given the name of Doris Carlton as the mother of my child in her baptismal records, I have paid premiums on life insurance policies, I have taken out fire insurance and other policies, I have maintained a checking account and savings accounts, I have voted—and all these activities have been carried on in my maiden name.

The quoted statement "Identification by such name is simple" in the employee's memorandum is quoted from the decision of March 10, 1939, and refers to identification of a married woman by her married surname. While, as stated in that decision, reported cases may be found in which under certain circumstances the use after marriage of the maiden name of a woman has been upheld, there are authorities which hold that the correct and legal name of a married

woman is that of her husband—also, as stated in said decision, customarily, if not by compelling legal requirements, a married woman takes the surname of her husband upon marriage. It is, therefore, not understood how identification of a married woman by her married surname could in anywise be considered "incorrect," even though she may be accustomed to use her maiden surname for business and social purposes. However, if, as indicated in the above quoted memorandum of March 28, 1939, this employee has continued to use her maiden name rather than the surname of her husband for practically all purposes since her marriage in August 1937, and if it be the desire of your Board that her name continue to be shown on the pay rolls as Doris Carlton, this office will not object thereto.

(B-5191)

PAY—RETIRED—REAR ADMIRAL OF THE NAVAL RESERVE

An officer appointed to the grade of rear admiral in the Naval Reserve is entitled upon transfer to the honorary retired list created by section 309 of the Naval Reserve Act of 1938, 52 Stat. 1183, to retired pay computed under section 310 of the said act and "at the rate of 50 per centum" of the active-duty pay of a rear admiral of the lower half if otherwise within the requirements of section 310 of the said act.

Assistant Comptroller General Elliott to the Secretary of the Navy, August 15, 1939:

There has been received your letter of July 25, 1939, as follows:

In the Acting Comptroller General's decision of June 19, 1939, B-3084, it was held that the pay of the one officer of the grade or rank of rear admiral allowed in time of peace in the U. S. Naval Reserve, in accordance with section 306 of the Naval Reserve Act of 1938 (52 Stat. 1182; 34 U. S. Code, Sup. IV, sec. 855e), was "limited to that of a commodore or real [rear] admiral of the lower half."

The above-mentioned decision raises the further question as to whether the officer appointed to the grade of rear admiral in the U. S. Naval Reserve in time of peace will, upon transfer in such grade to the honorary retired list established by section 309 of the Naval Reserve Act of 1938, be deprived of retired pay as provided in section 310 of said Act, to which retired pay he would have been entitled if serving in the grade of captain at the time of such transfer.

Section 310 of the Naval Reserve Act of 1938 provides for payment of retired pay to certain officers on the honorary retired list "at the rate of 50 per centum of their active duty rate of pay as prescribed in section 7, title I, of this act."

However, the first paragraph on page 6 and the last paragraph on page 7 of the decision of June 19, 1939, raise a doubt as to whether section 7 of the Naval Reserve Act of 1938 makes any provision for the pay of a Naval Reserve officer in the grade of rear admiral, since the determination therein that a Naval Reserve rear admiral is entitled to a certain rate of pay appears to be based on other sections of said act and provisions of prior laws.

In view of the foregoing, your decision is requested as to whether an officer appointed to the grade of rear admiral in the U. S. Naval Reserve, pursuant to the terms of section 306 of the Naval Reserve Act of 1938, will, upon transfer to the honorary retired list of the U. S. Naval Reserve and assuming that he otherwise comes within the active service requirements to entitle him to receive retired pay as provided in section 310 of said act, be entitled to retired pay on the honorary retired list of the U. S. Naval Reserve "at the rate of 50 per